



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,780	03/16/2000	Edward O. Clapper	INTL-0359-P1-US (P7596X)	1757

7590 06/19/2003
Timothy N Trop
Trop Pruner & Hu PC
Ste 100
8554 Katy Freeway
Houston, TX 77024

EXAMINER

PATEL, NITIN

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 06/19/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/526,780

Applicant(s)

CLAPPER

Examiner

Nitin Patel

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 and 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2673

DETAILED ACTION

1. In view of the appeal filed on 02/25/2003, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,6-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusky et al., (U.S. Patent No. 6,111,569) in view of Bartlett (U.S. Patent No. 6,347,290).

As per claim 1, Brusky shows a wireless peripheral for a receiver having a housing; only one keyboard defined in the housing, the keyboard having a pair of

Art Unit: 2673

wireless interfaces that transmit wireless signals directed at sufficiently spaced angles with respect to one another to enable signal (In Fig.1 element 70 and three IR emitters) and receiver to receive signals 9In Fig.1 element 10 and In Col.2 lines 40-57).

Brusky does not show providing a different functionalities depending on the orientation of the housing. Bartlett shows different functionalities with orientation with the housing (In Abstract and In Col.3, 4). It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to allow the teaching of Bartlett's into device of Brusky's because it would have determine a series of position commands that correspond to the series of orientations of the device.

As per claim 6, Brusky shows a controller connected to a keyboard 9In col.2 lines 51-57).

As per claims 7,8 Brusky shows wireless interfaces are infrared and angled sufficiently that one signal is detected by a receiver (In col.2 lines 45-47, and In col.3 lines 10-25).

As per claim 9, Brusky shows the interfaces are at an angle of 45 degrees (In fig.1).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusky et al., (U.S. Patent No. 6,111,569) in view of Bartlett (U.S. Patent No. 6,347,290) in further view of Henty (U.S. Patent No. 6,094,156).

Neither Brusky nor Bartlett shows a keyboard has at least two different orientations such that the keyboard is arranged to a user in each of the orientation that a different one of the interface is aligned with the receiver. Henty shows keyboard has

Art Unit: 2673

at least two different orientations such that the keyboard is arranged to a user in each of the orientation that a different one of the interface be aligned with the receiver (in fig.1a, 1b, 2a and In fig.5a, 4,5b and In Col.3 lines 10-67 to col.4 lines 1-67). It would have been obvious to one of ordinary skill in that art, at the time of the invention was made to allow the teaching of Henty's into combined system of Brusky's and Bartlett's because it would have activated only one function on a receiver that match the functionality of the transmitter that would not have inadvertently activated other device or function on a receiver.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 703-308-7024. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9052 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9618.

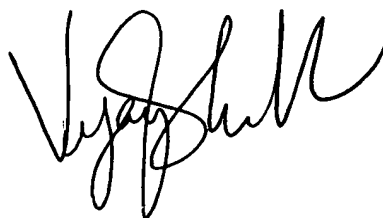
Application/Control Number: 09/526,780

Page 5

Art Unit: 2673

NP

June 13, 2003

A handwritten signature in black ink, appearing to read 'Vijay Shankar', written in a cursive style.

VIJAY SHANKAR
PRIMARY EXAMINER